

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JAMES W. GRIFFITH,

Plaintiff,

v.

TANYA SMITH, *et al.*,

Defendants.

NO. 3:09-0565  
JUDGE HAYNES

**ORDER**

Before the Court are the remaining Defendants' motion to dismiss (Docket Entry Nos. 85 and 86). The Court earlier dismissed Plaintiff's claims for his failure to respond to earlier motions for summary judgment. (Docket Entry Nos. 76 and 81). Plaintiff did not move to reconsider.

In addition, a copy of the Court's earlier Order (Docket Entry No. 76) was mailed to the Plaintiff and were returned as unclaimed. (Docket Entry No. 84). Under Fed. R. Civ. P. 5(b), service is effective upon mailing to the party's last known address. It is a party's responsibility to inform the Court of his address so as to enable the Court to inform all parties of matters arising in the litigation. Downs v. Pyburn, No. 3:87-0471 (M.D. Tenn. Order filed September 4, 1987). The Plaintiff has failed to inform the Court of his new address, and the Court is unable to conduct the necessary proceedings in this action.

Accordingly, this action is **DISMISSED** with prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute. See Schafer v. City of Defiance Police Dept., 529 F.3d 731, 736 (6th Cir. 2008).

This is the Final Order in this action.

It is so **ORDERED**.

**ENTERED** this the 16<sup>th</sup> day of June, 2010.

  
WILLIAM J. HAYNES, JR.  
United States District Judge